

Good morning. Thank you Chairmen Musto and Jutila, Vice-Chairmen Meyer and Lesser, Senator McLachlan, Representative Hwang, and members of the committee for giving me this opportunity to testify.

My name is Jason Paul. I am student at the UConn School of Law and a resident of Colchester, Connecticut. I am here to speak in opposition to House Bill 5126, An Act Concerning An Agreement Among the States to Elect the President of the United States by National Popular Vote.

As you're aware, the legislation creates a compact, which, once approved by a sufficient number of states, would cast those states' electoral votes for the winner of the National Popular Vote.

The compact is an interesting proposal, and a creative way to tackle the centuries-old problems associated with the Electoral College.

But too much of the discussion has revolved simplistically around the normative question: Would it be better to have a national popular vote or an Electoral College process? On that question, I am truthfully agnostic, though probably inclined to support electing the President by the National Popular Vote.

But that question cannot be where we end the discussion. The practicalities of administering elections matter immensely, and shortcuts like this one are problematic.

Under the current system, the presidency is decided based on separate elections, administered by 51 different state governments, including the District of Columbia. Each has different rules, guidelines, and standards. This is fine, because each body's rules affect only the result in its own state or district. Federal laws cover the most egregious potential voting abuses; beyond that, states administer their own elections.

That would change if we adopted a National Popular Vote compact. Instead of giving them control of their own territory, each of these 51 different bodies would have a degree of control over the entire election. This poses serious problems.

Consider that, for the 2012 election, revised vote totals were still coming in all the way into February 2013. Even after the President was inaugurated, the margin of victory changed by the thousands. The margins were large enough that each state was able to declare a winner in time for the Electoral College vote, but under the National Popular Vote compact, the problems could potentially be unresolvable.

Currently, in case of a very close election in a state, there is a well-established procedure for conducting a recount according to that state's rules. Under the compact, because there is no national system, there is no mechanism for conducting a nationwide recount. Worse, there is no way to require states to participate in a national recount.

Because the compact need only be among states with a total of more than 270 electoral votes, and not every state, non-participating states will take the position that they are still

operating in the old system, independent of all others. And they'll be right. They will feel no obligation to even consider the impact of the new system, and the compact-participating states won't be able to do anything about it.

States can't force each other to do things. This would make a national recount a near impossibility.

Before we make such a dramatic change in the way that we elect our President, we need to have an understanding of how the procedural problems will be worked out. The unforeseen challenges would likely mean lots of trips to court. That means more *Bush v. Gore*'s — not fewer.

It might be possible to work out these problems under a compact system, but right now, I do not think they are even reasonably addressed. Until it is possible to answer basic questions — such as how to conduct a national recount — the idea is too flawed to implement.

The arguments for electing the President of the United States by National Popular Vote are strong. There is a right way to do just that, but this compact is not it.

For these reasons, I urge you to reject House Bill 5126. It is a well-meaning piece of legislation, but it could have significant negative effects on the integrity of our electoral process. Thank you for your time.